UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,10,13-15,18-25,28,31-33 and 36* is/are rejected.

7)☒ Claim(s) *8,9,11,12,16,17,26,27,29,30,34 and 35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 February 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Drawings

1.   New corrected drawings in compliance with 37 CFR 1.121(d) are required

in this application because figures 1-10b, 18, and 19 are of insufficient quality for

accurate reproduction (see MPEP 37 CFR 1.84(a,b, and l-p). Applicant is

advised to employ the services of a competent patent draftsperson outside the

Office, as the U.S. Patent and Trademark Office no longer prepares new

drawings. The corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The requirement for corrected drawings

will not be held in abeyance.

2.   The drawings are objected to under 37 CFR 1.83(a) because they fail to

show units 48 and 50 in figure 22 as described in the specification on page 36,

lines 15-17. Any structural detail that is essential for a proper understanding of

the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in

reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended.

The figure or figure number of an amended drawing should not be labeled as

"amended." If a drawing figure is to be canceled, the appropriate figure must be

removed from the replacement sheet, and where necessary, the remaining

figures must be renumbered and appropriate changes made to the brief

description of the several views of the drawings for consistency. Additional

replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 128. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4.   **Claims 8, 11, 26, and 29** are objected to because of the following

informalities:

Regarding **claim 8**, the further limitation of claim 7, in part seeks

protection for "resuming said subsequent replay of said accompanying audio if a

difference between said synchronization point and a current time value **exceeds**

a second predefined amount...." The specification, on page 44, lines 19-21,

discloses "If the difference **does not exceed** the predefined length of time, then

the normal playback of the accompanying audio is resumed, at block 326."

These two disclosures appear to contradict each other.

Claims 11, 26, and 29 have similar limitations to claim 8, and are objected

for the same reasons.

Appropriate correction is required.

5.   Hereinafter, **claims 8, 11, 26, and 29** are interpreted in light of the

specification to limit the invention to "... a difference between said

synchronization point and a current time value" **does not exceed** "a second

predefined amount...."

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   **Claims 9, 12, 27, and 30** are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

Regarding **claim 9**, which ultimately depends on claim 1, through claims 7

and 8, it is unclear how "said second predefined amount equals said predefined

amount", wherein the predefined amount is first disclosed in claim 7.

Claim 7, the further limitation of claim 1, in part seeks protection for:

"comparing said synchronization with a time value associated with

said another processing of said recorded user inputs; and

selectively pausing said subsequent replay... if a difference

between said synchronization point and said time exceeds a predefined

amount...."

Claim 8, the further limitation of claim 7, in part seeks protection for:

"resuming said subsequent replay of said accompanying audio if a

difference between said synchronization point and a current time value

exceeds a second predefined amount, said current time value being

associated with said another processing of said recorded user inputs."

It appears that the "current time value" from claim 8 and "said time" from claim 7

are both "associated with said another processing of said recorded user inputs",

and therefore are the same moments in time. Therefore, it is unclear how the

audio can be selectively paused and resumed when a value exceeds a threshold

by the same amount.

Claims 12, 27, and 30 have similar limitations to claim 8, and are objected

for the same reasons.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9.   **Claims 1-4 and 19-22** are rejected under 35 U.S.C. 102(e) as being

clearly anticipated by Weng, US 2002/0152466 A1.

10.   Regarding **claim 1**, Weng teaches a method synchronizing operations in a

computer environment with accompanying audio, said method comprising:

> *replaying said operations and said accompanying audio in said computer environment, said operations resulting from processing of recorded user inputs;* (¶ 0004, 0051-0055 and figure 4 teaches replaying operations with accompanying audio, which were recorded earlier (see ¶ 0038-0041 and 0050))
> *creating a synchronization point at a common point in said replaying of said operations and said accompanying audio;* (¶ 0042 and 0056 teaches a common point t2) *and*
> *associating said synchronization point with said accompanying audio, said synchronization point providing a reference point to substantially synchronize said accompanying audio when said operations are replayed in a replay computer environment using said recorded user inputs.* (¶ 0012 and 0068-0072 and figure 5 teaches a more generalized version of synchronization points and accompanying audio as taught earlier (see ¶ 0041-0049 and 0055-0063)).

11.   Regarding **claim 2**, Weng teaches the method of claim 1, wherein

creating of said synchronization point includes creating said synchronization point in response to a user command. (¶ 0040-0042 teaches a user recording audio to be synchronized with a user initiated web event and an "onclick" event, which are user commands).

12.   Regarding **claim 3**, Weng teaches the method of claim 1, wherein

said common point is at a point in time where there is no audio output during said replaying of said accompanying audio. (¶ 0040 teaches a user creating the first synchronization point, wherein the audio has not been recorded yet).

13.   Regarding **claim 4**, Weng teaches the method of claim 1, further

comprising

obtaining a current time value associated with said processing of said recorded user inputs, said current time value corresponding to said synchronization point. (¶ 0064-0067 teaches current time values tpN (where N=1,2,3,or 4) corresponding to different synchronization points (see figure 4)).

14.   Regarding **claim 19**, see the preceding argument with respect to claim 1.

Weng teaches the method of claim 1, which reads on the storage medium

readable by a computer, tangibly embodying a program of instructions

executable by said computer to perform method steps for synchronizing

operations in a computer environment with accompanying audio, said method

comprising the features of claim 1.

15.   Regarding **claim 20**, see the preceding argument with respect to claim 2.

Weng teaches the features of claim 2, which reads on the features of claim 20.

16.   Regarding **claim 21**, see the preceding argument with respect to claim 3.

Weng teaches the features of claim 3, which reads on the features of claim 21.

17.   Regarding **claim 22**, see the preceding argument with respect to claim 4.

Weng teaches the features of claim 4, which reads on the features of claim 22.

18.   **Claims 1, 2, 4, 7, 10, 14, 15, 19, 20, 22, 25, 28, 32, and 33** are rejected

under 35 U.S.C. 102(b) as being clearly anticipated by Ishiguro, US 6,180,865

B1.

19.   Regarding **claim 1**, Ishiguro teaches a method synchronizing operations

in a computer environment with accompanying audio, said method comprising:

   replaying said operations and said accompanying audio in said computer environment, said operations resulting from processing of recorded user inputs; (column 2, lines 22-38 and column 5, lines 34-38 teaches MIDI operations, which have been previously recorded, to be reproduced in part by input from a user and accompanying audio)
   creating a synchronization point at a common point in said replaying of said operations and said accompanying audio; (column 2, lines 39-54 teaches two different results with respect to a common point) *and*
   associating said synchronization point with said accompanying audio, said synchronization point providing a reference point to substantially synchronize said accompanying audio when said operations are replayed in a replay computer environment using said recorded user inputs. (column 2, lines 39-54 teaches accompanying audio to substantially synchronize with recorded user inputs).

20.   Regarding **claim 2**, Ishiguro teaches the method of claim 1, wherein

   creating of said synchronization point includes creating said synchronization point in response to a user command. (column 2, lines 39-54 teaches a synchronization point being created when the key is actuated early).

21.   Regarding **claim 4**, Ishiguro teaches the method of claim 1, further

comprising

   obtaining a current time value associated with said processing of said recorded user inputs, said current time value corresponding to said synchronization point. (column 1, lines 18-22 teaches a synchronization point corresponding to a current time value (i.e. the key is pressed at the correct time)).

22.   Regarding **claim 7**, Ishiguro teaches the method of claim 1, further

comprising

   detecting said synchronization point during a subsequent replay of said operations and said accompanying audio in said replay computer environment, said subsequent replay involving

another processing of said recorded user inputs; (column 2, lines 22-38 wherein the song can be replayed a second time)

comparing said synchronization point with a time value associated with said another processing of said recorded user inputs; (column 2, lines 39-54) *and*

selectively pausing said subsequent replay of said accompanying audio if a difference between said synchronization point and said time value exceeds a predefined amount so that said subsequent replay of said operations can catch up to said accompanying audio. (column 2, lines 39-54 teaches pausing the melody if the proper key is not depressed in time).

23.   Regarding **claim 10**, see the preceding argument with respect to claim 1 and 7. Ishiguro teaches the similar methods of claim 1 and claim 7.

24.   Regarding **claim 14**, the further limitation of claim 10, see the preceding argument with respect to claim 1. Ishiguro teaches the features of claim 10 and these additional features.

25.   Regarding **claim 15**, the further limitation of claim 14, see the preceding argument with respect to claim 2. Ishiguro teaches the features of claim 14 and these additional features.

26.   Regarding **claim 19**, see the preceding argument with respect to claim 1. Ishiguro teaches the method of claim 1, which reads on the storage medium readable by a computer, tangibly embodying a program of instructions executable by said computer to perform method steps for synchronizing operations in a computer environment with accompanying audio, said method comprising the features of claim 1.

27.   Regarding **claim 20**, the further limitation of claim 19, see the preceding argument with respect to claim 2. Ishiguro teaches these features.

28.   Regarding **claim 22**, the further limitation of claim 19, see the preceding argument with respect to claim 4. Ishiguro teaches these features.

29.   Regarding **claim 25**, the further limitation of claim 19, see the preceding

argument with respect to claim 7. Ishiguro teaches these features.

30.   Regarding **claim 28**, see the preceding argument with respect to claims 1

and 7. Ishiguro teaches the methods of claim 1 and 7, which reads on the

storage medium readable by a computer, tangibly embodying a program of

instructions executable by said computer to perform method steps for

synchronizing operations in a computer environment with accompanying audio,

said method comprising the combined features of claim 1 and 7.

31.   Regarding **claim 32**, the further limitation of claim 28, see the preceding

argument with respect to claim 1. Ishiguro teaches these features.

32.   Regarding **claim 33**, the further limitation of claim 32, see the preceding

argument with respect to claim 2. Ishiguro teaches these features.

Claim Rejections - 35 USC § 103

33.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

34.   **Claims 5 and 23** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Weng as applied to claim 1 above, and further in view of well-

known prior art.

35.   Regarding **claim 5**, Weng teaches the method of claim 1. Specifically,

Weng teaches various different containers (i.e. software programs) for loading

article content (¶ 0007-0012), wherein operation are replayed with accompanying

audio. Weng does not specifically teach one file for the accompanying audio and

a second separate file for the recorded user inputs, however the Office takes

Official Notice that it is well-known at the time of the invention by one of ordinary

skill in the art to separate different types of data into different files. Webpages

have been known to embed different types of data, such as images and audio,

wherein the text of the webpage is contained in one file (i.e. a hyperlink mark-up

text language (HTML) file) and an image or sound is contained in another file

(e.g. a JPEG file or an MP3 file, respectively). It would have been obvious for

one of ordinary skill in the art at the time of the invention to combine the

teachings of Weng and the well-known prior art for the purpose of following

established standards for placing different content in respective files.

36.   Regarding **claim 23**, the further limitation of claim 19, see the preceding

argument with respect to claim 5. The combination teaches these features.

37.   **Claims 6, 13, 18, 24, 31 and 36** are rejected under 35 U.S.C. 103(a) as

being unpatentable over Ishiguro as applied to claim 1 above, and further in view

of Sung et al., US 6,423,893 B1 (hereinafter Sung).

38.   Regarding **claim 6**, the further limitation of claim 1, see the preceding

argument with respect to claim 1. Ishiguro teaches the features of claim 1, but

does not teach changing a time value of said synchronization point in response

to a positional change of a marker of said synchronization point in a timeline.

Sung teaches editing MIDI data for a solo instrument part on a timeline

(column 7, lines 46-61 and figure 7a, unit 74). It is obvious to extend this idea to

any of the instruments in a MIDI composition and edit the notes on a timeline,

which has the same effect as changing a marker's position. It would have been

obvious for one of ordinary skill in the art at the time of the invention to combine

the teachings of Ishiguro and Sung for the purpose of editing MIDI data

graphically for ease of use.

39.   Regarding **claim 13**, the further limitation of claim 10, see the preceding

argument with respect to claim 10. Ishiguro teaches the features of claim 10, but

does not teach displaying the synchronization point as a marker on a timeline,

where the timeline includes time values extracted from the recorded user inputs.

Sung teaches a display of synchronization points, or notes, as markers (see

figure 7a), wherein time values are extracted from recorded user inputs (i.e. the

mouse is used to create the markers with various information and MIDI data is

created from the meta-data, see column 7, line 46 - column 8, line 10).

40.   Regarding **claim 18**, the further limitation of claim 14, see the preceding

argument with respect to claim 6. The combination teaches these features.

41.   Regarding **claim 24**, the further limitation of claim 19, see the preceding

argument with respect to claim 6. The combination teaches these features.

42.   Regarding **claim 31**, the further limitation of claim 28, see the preceding

argument with respect to claim 13. The combination teaches these features.

43.   Regarding **claim 36**, the further limitation of claim 32, see the preceding

argument with respect to claim 6. The combination teaches these features.

Allowable Subject Matter

44.   **Claims 8, 9, 11, 12, 16, 17, 26, 27, 29, 30, 34, and 35** are objected to as

being dependent upon a rejected base claim, but would be allowable if rewritten

in independent form including all of the limitations of the base claim and any

intervening claims.

Conclusion

45.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

        Owen, US 5,585,583 A, teaches mixing a student's musical instrument

with a synchronized audio/video playback of an instructional musical piece

(abstract, column 3, line 57 - column 4, line 9, column 6, lines 43-59, column 7,

lines 15-26, column 7, line 56 - column 8, line 16 and column 13, lines 48);

        Kuribayashi, US 5,615,189 A, teaches synchronization of a word clock in

MIDI circuits (abstract and column 1, line 50 - column 2, line 20);

        Berstis et al., US 5,903,266 A, teaches audio instructions detailing various

steps of connecting equipment (column 5, line 48 - column 8, line 22 and figures

3 and 4);

Falcon et al., US 6,632,094 B1, teaches synchronized text highlighting with audio narration for improving reading skills (abstract and column 8, lines 23-26);

Sastry et al., US 6,687,877 B1, teaches content annotation synchronized with user actions and recorded audio (column 5, line s 39-61);

Blume, US 6,915,103 B2, teaches an audio broadcast system to read an audio track corresponding to the position and speed of a handheld stylus (column 3, line 32-56 and figures 1-5);

Lilienthal, US 6,933,928 B1, teaches a paperless book with visual text that advances as the audio text is finished (column 3, lines 43-50); and

Gaddy et al., US 7,228,189 B1, teaches a method for synchronizing a streaming music file with a locally captured audio input (abstract, column 7, line 39 - column 8, line 36, and figures 3a and 3b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

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direct.uspto.gov. Should you have questions on access to the Private PAIR

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free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/
Examiner, Art Unit 2615

/Sinh N Tran/
Supervisory Patent Examiner, Art Unit 2615